

Agenda Item	
A-1	No one wished to be heard during the Open Comment Period.
B-1	President John Hunziker called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Dennis Hanson, Marcia Marcoux, Jean McConnell, Sandra Means, Bob Nowicki, Walter Stobaugh. Absent: None. Also present: Mayor Ardell F. Brede.
C-1	<p>Wishing to be heard was Tom Thammavong, 1533 Tenth Street S.E., a 14-year old, 8th-grade student at Friedell Middle School. Mr. Thammavong presented a large number of letters to the Council from the students requesting that a police liaison officer be reassigned to the school. He said the police officer that was there last year, Officer Strop, helped him when he was in trouble, helped him with legal matters and helped him stay out of trouble. The officer helped anyone in trouble and stopped fights that occurred. This year there have been fights with no one to stop them.</p> <p>Councilmember Marcoux suggested that meetings with PTA groups, inviting Chief Petersen to attend, could heighten awareness and bring the cost factors into recognition.</p> <p>Wishing to be heard was Dave Kinneberg, 804 35th Avenue N.W. and Oren Sunte, parents of students from Friedell. They just wanted the Council to be aware of the situation and said that sometimes an ounce of prevention helps the situation.</p>
D-1-27	Councilmembers Hanson moved, Nowicki seconded, to approve the following consent agenda items.
D-1	Approved the minutes of the January 21, 2004, Council meeting minutes.
D-2	See at end of D Items.
D-3	Approved the appointment of John Withers to the Fire Civil Service Commission for the term expiring April 2007.
D-4	Adopted Resolution No. 076-04 approving an increase in the City's mileage reimbursement rate from 36 cents to 37.5 cents per mile effective March 1, 2004.
D-5	See at end of D Items.
D-6	See at end of D Items.
D-7	<p>Approved the following licenses and miscellaneous activities:</p> <p><u>Circus</u></p> <p>Farrow Amusement Company, Inc., Jackson, Mississippi, at the Olmsted County Fairgrounds – August 3-8, 2004.</p>

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL
CITY OF ROCHESTER, MINNESOTA
Regular Adjourned Meeting No. 4 – February 18, 2004

6998

Agenda Item	
	<p><u>Dance – Temporary</u> Wild Nites Promotions, Rochester – Dance at Graham Arena North – May 22, 2004.</p> <p><u>Gambling – Premise Permit Renewal</u> Fraternal Order of Eagles #2228 Rochester Amateur Sports Commission – Premise at J & M Restaurants DBA Shady Hill Grill Lourdes Foundation for Circus World Bingo</p> <p><u>Gambling – Temporary</u> Trout Unlimited – Raffle at Radisson Centerplace Hotel – April 24, 2004 Walleye Searchers of Minnesota – Raffle at Elks Lodge – March 15, 2004 Church of St. Pius – Parish Auction – April 17, 2004 Interfaith Hospitality Network – Raffle at Rochester Golf & Country Club - June 21, 2004 Honors Choirs of SE Minnesota – Raffle at Willow Creek Golf Course – June 14, 2004</p> <p><u>Golf Cart</u> Rene Hoosier, Rochester</p> <p><u>Liquor – On-Sale Temporary</u> Church of St. Pius – Parish Auction – April 17, 2004</p> <p><u>Sound Amplification Permit</u> St. John the Evangelist Catholic Church – Good Friday Procession of the Cross – April 9, 2004</p> <p><u>Miscellaneous City Activities</u> St. John the Evangelist Catholic Church – Good Friday Procession of the Cross – April 9, 2004 SE Minnesota Celiac Support Group – Silver Lake Park – May 16, 2004</p>
D-8	Approved the issuance of an On-Sale and Sunday Exclusive Intoxicating Liquor License to Runway 31, Incorporated, at 7381 Airport View Drive S.W. Opening is tentatively set for August 2004.
D-9	Adopted Resolution No. 077-04 authorizing the City Clerk to advertise for bids for the 2004 Season Supply of Washed Sand, Gravel, Crushed Rock, Pea Gravel, Plant Mixed Bituminous, Ready-mixed Concrete and Cutback Asphalt.
D-10	Approved Accounts Payable of \$5,559,743.35 and Investment Purchases of \$9,004,705.72.
D-11	Approved the appointment of Darrell Eiler to the position of Firefighter in the Rochester Fire Department effective January 8, 2004.

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D-12	Approved the appointment of Craig Connelly to the position of Firefighter in the Rochester Fire Department effective January 22, 2004.
D-13	Adopted Resolution No. 078-04 approving a SESAC License agreement for Local Government Entities to allow for the playing of music in any public setting.
D-14	Adopted Resolution No. 079-04 approving Orderly Annexation Petition #04-05 by Jim Whiting to annex approximately 1.32 acres of land located along the south side of 19 th Street N.W., east of West Circle Drive and west of 19 th Street Business Park.
D-15	Approved amending Chapter 38.04 of the Housing Code for parking in residential areas and instructed the City Attorney to prepare the required ordinance for adoption.
D-16	See at end of D Items.
D-17	<p>Adopted Resolution No. 080-04 amending the Comprehensive Parking and Traffic Resolution Book as follows.</p> <p>Amend Section I Zone E – 90 Minute Parking – Paragraph 9 to read as follows: “First Avenue SE in the 400 Block on both sides from 4th Street to the entrance to the Mayo Clinic employee lot spaces number 106-0, 106-01, 106-02, 106-04, 106-05, 107-56, 107-55, 107-54, 107-53”</p> <p>Amend Section I Zone J – 10 Hour Meters, adding Paragraph 4.1 to read as follows: “First Avenue SE in the 400 Block on the east side spaces number 107-50, 107-51, 107-52”.</p>
D-18	Adopted Resolution No. 081-04 authorizing payment of Supplemental Agreement #3 for Project No. 7503-18-99 (J-4940) “Viola Road N.E. Bike Path, from Parkwood Hills Drive to 14 th Avenue” in the amount of \$26,483.98.
D-19	Adopted Resolution No. 082-04 authorizing payment of Supplemental Agreement #3 for Project No. 7503-20-00 (J-4941) “West Circle Drive Bike Path” in the amount of \$3,058.00.
D-20	Adopted Resolution No. 083-04 approving a Professional Services Agreement with Markhurd, Inc. for color orthophotography and topographic mapping of 19 sections of Rochester for an amount not to exceed \$50,000.00.
D-21	Adopted Resolution No. 084-04 supporting the submittal of a cooperative grant application to the Legislative Commission on Minnesota Resources to protect calcareous fens in the community.
D-22	Adopted Resolution No. 085-04 accepting payment by Churchill Elementary School Parking Improvements, Rochester Public Utilities Wellhouse #37, Redeemer Luther Church and Moody Service Center and Towing for Storm Water Management charges.

RECORD OF OFFICIAL PROCEEDINGS OF THE COMMON COUNCIL
CITY OF ROCHESTER, MINNESOTA
Regular Adjourned Meeting No. 4 – February 18, 2004

7000

Agenda Item	
D-23	Adopted Resolution No. 086-04 approving the Right-of-Way settlement agreement with the Kohrs Family for Project No. J-9789 "Sanitary Sewer and Watermain to serve the Thomas Subdivision and Welch and Wendt Subdivision areas".
D-24	Adopted Resolution No. 087-04 approving a Contribution and Pedestrian Facilities Agreement with Washington Realty, Inc. for a Site Development Plan on Lot 2, Block 1, Replat of Lot 2, Machinery Hill Subdivision.
D-25	Adopted Resolution No. 088-04 approving a City/Owner Contract with Foxfield LLC and Friedges Contracting Company, LLC for Project No. J-5114 "Sanitary Sewer and Watermain to Serve Foxfield".
D-26	Approved the appointment of Amy Anderson to the Park Board for the term expiring June 2004.
D-27	<p>Approved the appointment of James Mann Judisch to the Committee on Urban Design and Environment (CUDE) for the term expiring March 2005.</p> <p>Ayes (7), Nays (0). Motion carried.</p>
D-2	<p>Mayor Brede explained that the original appointment was to have been Steven Birdseye. However, there may exist a conflict of interest with Mr. Birdseye at the Airport. John Kahler was then asked to be on the Airport Zoning Board.</p> <p>Councilmembers Marcoux moved, McConnell seconded, to approve the appointment of I.J. Lewison and John Kahler to the Rochester Airport Zoning Board for terms ending January 1, 2006. Ayes (7), Nays (0). Motion carried.</p>
D-5	<p>Councilmember McConnell said that, although the use of sales tax to further transportation was a good idea, he could not support the proposal. He noted that past sales tax requests have gone to the voters and thought that this request should be placed on the ballot as well.</p> <p>Councilmembers Hanson said that he disagreed with Councilmember McConnell in that the transportation dollars are needed. He said that this is also the first time such a relationship has existed between the City and the County and saw that as a plus for the citizens.</p> <p>Councilmembers Hanson moved, Marcoux seconded, to adopt Resolution Nos. 089-04 and 090-04 approving an agreement with Olmsted County relating to the use of the sales tax extension for "regional transportation" purposes and requesting an additional \$40 million in sales tax authorization for the existing sales tax. Ayes (6), Nays (1). Motion carried. Councilmember McConnell voted nay.</p>
D-6	<p>Councilmember Means said that she wanted the public to be aware that no franchise fee is associated with granting the franchise to Aquila, Inc.</p> <p>Councilmembers Means moved, McConnell seconded, to adopt Resolution No. 091-04 approving a Franchise Agreement with Aquila, Inc. on behalf of the City of</p>

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	<p>Rochester for the provision of natural gas contingent upon second reading and approval of the franchise ordinance. Ayes (7), Nays (0). Motion carried.</p>
D-16	<p>Mayor Brede told the Council that the Riverside students helped in the ribbon-cutting ceremony for the six new buses that have arrived. He said that Rochester is fortunate in having the bus transportation system that we have.</p> <p>Councilmembers Stobaugh moved, Nowicki seconded, to award the contract to Gillig Corporation for the purchase of up to four buses at a cost of \$280,096 per unit and approved amending the order to six buses pending approval by the FTA of additional funding. Ayes (7), Nays (0). Motion carried.</p>
E-1	<p>A Continued Hearing on Vacation Petition #03-10, Marigold Foods, LLC to vacate right of way located west of West Silver Lake Drive and south of 5th Street NE.</p> <p>Staff recommended to continue the hearing to March 1, 2004 to allow time to coordinate with the applicant regarding specific items.</p> <p>No one wished to be heard at this time.</p> <p>Councilmembers Means moved, Nowicki seconded, to continue the hearing on Vacation Petition #03-10, Marigold Foods, LLC to March 1, 2004. Ayes (7), Nays (0). Motion carried.</p>
E-2	<p>A Hearing on Zoning District Amendment #03-27 by First Baptist Church to change from R-1 to the R-2 zoning district on land located along the north side of Salem Road S.W., east of 34th Avenue S.W. and east of Westhill Drive S.W.</p> <p>President Hunziker noted that he was opening the hearing for Item E-2 stating that testimony would be relevant to both E-2 and E-3.</p> <p>Wishing to be heard was Kristi Clarke, McGhie & Betts, representing the client. She said that the area will be developed as low density townhomes. She noted agreement with the six conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Marcoux moved, Hanson seconded, to approve Zoning District Amendment #03-27 by First Baptist Church. Ayes (7), Nays (0). Motion carried.</p> <p>Councilmembers McConnell moved, Nowicki seconded, to approve General Development Plan #222 to be known as First Baptist Church with six conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>
E-3	<p>A Hearing on General Development Plan #222 to be known as First Baptist Church on land located along the north side of Salem Road S.W., east of 34th Avenue S.W. and east of Westhill Drive S.W.</p>

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	<p>Testimony was taken jointly with Item E-2.</p> <p>President Hunziker recognized Boy Scout Troop 196 from the Church of Later Day Saints of Jesus Christ and Boy Scout Troop from Rochester Central Lutheran.</p> <p>E-4 A Hearing on General Development Plan #223 to be known as Marion Road Commercial Center by Southgate Association located along the north side of Marion Road S.E. and 25th Street S.E.</p> <p>Wishing to be head was Mark Welch, GGG Engineering, Chatfield, representing the developer. He noted agreement with the eight conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Nowicki seconded, to approve General Development Plan #223 to be known as Marion Road Commercial Center by Southgate Association with eight conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p> <p>E-5 A Hearing on General Development Plan #225 to be known as Waters Instruments by Ron Braasch/Kevin Swanson and Variance #04-04 located along the north side of 7th Street N.W., south of Schuster Lane N.W. and southwest of the DM&E railroad tracks.</p> <p>Wishing to be heard was Josh Johnson, McGhie & Betts, representing the developer. He noted agreement with the nine conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, McConnell seconded, to approve General Development Plan #225 to be known as Waters Instruments by Ron Braasch/Kevin Swanson and adopt Resolution No. 092-04 approving Variance #04-04 with nine conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p> <p>E-6 A Hearing on Type III, Phase III Incentive Development Preliminary Plat #03-66 by Yaggy Colby Associates to permit additions to Redeemer Lutheran Church located west of 7th Avenue S.E., north of 9th Street S.E. and east of 6th Avenue S.E.</p> <p>Wishing to be heard was Richard Lagergren, 9143 11th Avenue N.E., representing Redeemer Lutheran Church. Mr. Lagergren was available for questions.</p> <p>Wishing to be heard was Jose Rivas, Yaggy-Colby, representing the Redeemer Lutheran Church, and was also available for questions.</p>

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	<p>Councilmember Stobaugh presented a number of petitions that are not in support of the variance that the Church would apply for to construct an additional business structure at 869 Seventh Avenue S.E.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Marcoux seconded, to adopt Resolution No. 093-04 approving Incentive Development Preliminary Plat #03-66 by Yaggy Colby Associates with six conditions and waiving the Final Plan Review. Ayes (6), Nays (1), Motion carried. Councilmember Stobaugh voted nay.</p>
E-7	<p>A Hearing on Type III, Phase II Amendment to Planned Unit Development B-60 (Barclay Square) located South of County Road 8 and west of TH52.</p> <p>Wishing to be heard was Mark Root, Yaggy-Colby, available for questions. He noted that they were in agreement with the five conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Stobaugh seconded, to adopt Resolution No. 094-04 approving Amendment to Planned Unit Development B-60 (Barclay Square) with five conditions. Ayes (7), Nays (0). Motion carried.</p>
E-8	<p>A Hearing on Type III, Phase II Amendment to Planned Unit Development B-71 Seventh Day Adventist Church located at 911 11th Avenue N.W.</p> <p>Wishing to be heard was Robert Roos, 804 140th Avenue S.E., Eyota. He said that he is the treasurer of the Unity Church of Rochester, the present owners of the building. He noted agreement with the three conditions. Mr. Roos said that the offer from the buyer of the property has been withdrawn but other potential buyers are interested in the Council action. He noted that the broker met with the neighbors and resolved all concerns. The Church was originally the Seventh-Day Adventist Church, then a dance studio and now the Unity Church of Rochester.</p> <p>Mitzi Baker, Planning Department, received comments in an e-mail from Liz Chicos concerned about the hours of operation if office space is allowed.</p> <p>President Hunziker noted that there are three or four schools and churches in an old neighborhood with no commercial. He said that the neighborhood should not be impacted by commercial. He would not support the application.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Marcoux moved, McConnell seconded, to continue the hearing on Amendment to Planned Unit Development B-71 Seventh Day Adventist Church to March 1, 2004, to obtain more information and input from the neighborhood. Ayes (7), Nays (0). Motion carried.</p>

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E-9	<p>A Hearing on Preliminary Plat #03-47 by Leslie A. Lurken to be known as North Park Fifteenth and a Substantial Land Alteration on property located east of 50th Avenue N.W., south of Somersby Court N.W. and east of Summit Point Third and North Park Tenth Subdivisions.</p> <p>Wishing to be heard was Josh Johnson, McGhie & Betts, representing the developer. He said that this is the final North Park development. Mr. Johnson was in agreement with the seven conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Stobaugh seconded, to adopt Resolution No. 095-04 approving Preliminary Plat #03-47 by Leslie A. Lurken to be known as North Park Fifteenth and a Substantial Land Alteration with seven conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>
E-10	<p>A Hearing on Preliminary Plat #03-48 to be known as Pebble Creek and a Substantial Land Alteration on property located west of 60th Avenue and south of 55th Street N.W.</p> <p>Wishing to be heard was Chuck DeWitz, 604 11th Avenue N.W. He noted agreement with the conditions with the exception of Condition #2.</p> <p>Mike Nigbur, Public Works Department, said that the Special District approved by the Council allows the owners to put fences, patios, etc. within three feet of the front yard property line. The first ten feet of the front yard contains a public utility easement. The property owners must get a revocable permit to erect any type of improvement within this area to avoid any conflict with the utilities or access to them.</p> <p>It was suggested that one revocable permit could be obtained for the entire area of Pebble Creek rather than each owner obtaining a permit. The developer, City Attorney and Public Works were in agreement with the use of one permit.</p> <p>Mitzi Baker, Planning Department, noted that the current revisions to the conditions are contained in her memo of February 18, 2004.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Nowicki seconded, to approve Preliminary Plat #03-48 to be known as Pebble Creek with six conditions except that Condition #2 is amended so that the date January 20, 2004, is replaced with the date February 18, 2004, and adopted Resolution No. 096-04 approving the Substantial Land Alteration and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>
E-11	<p>A Hearing on Preliminary Plat #03-49 by Emerald Green LLC to be known as The Pines located west of 18th Avenue N.W.</p>

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	<p>Wishing to be heard was Mark Welch, GGG Engineering, Chatfield, representing the developer. He noted agreement with the seven conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, McConnell seconded, to approve Preliminary Plat #03-49 by Emerald Green LLC to be known as The Pines with seven conditions and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>
E-12	<p>A Hearing on Preliminary Plat #03-50 by West 80 Development LLC, to be known as West 80 Development, located west of TH63 and north of 48th Street S.W.</p> <p>Wishing to be heard was Wade DuMond, Yaggy-Colby Associates, representing the developer. He noted agreement with the ten conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Means moved, Marcoux seconded, to approve Preliminary Plat #03-50 by West 80 Development LLC, to be known as West 80 Development with ten conditions including the correction of Condition #7 and instructed the City Attorney to prepare Findings of Fact, Conclusions of Law, and Order. Ayes (7), Nays (0). Motion carried.</p>
E-13	<p>A Hearing on Final Plat #04-05 by THF Realty to be known as Northwest Plaza Eighth Subdivision located along the south side of 55th Street, east of the Merchants National Bank and west of the Affinity Plus Credit Union.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers McConnell moved, Nowicki seconded, to adopt Resolution No. 097-04 approving Final Plat #04-05 by THF Realty to be known as Northwest Plaza Eighth Subdivision with two conditions. Ayes (7), Nays (0). Motion carried.</p>
E-14	<p>A Hearing on Vacation Petition #04-01 by Thomas Green and Bruce Ackland to vacate Right-of-Way located north of Mills Fleet Farm Store and west of the TH63 Frontage Road.</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p> <p>Terry Adkins, City Attorney, noted that a right-of-way agreement needs to be signed as well a utility easement document. Mike Nigbur, Public Works, said that the right-of-way agreement is completed. The utility easement needs to be completed prior to recording of the document. Mr. Adkins noted the holding of the recording of the document to be a condition until the utility easement is obtained.</p> <p>Councilmembers Stobaugh moved, Nowicki seconded, to adopt Resolution No. 098-04 approving Vacation Petition #04-01 by Thomas Green and Bruce Ackland with one condition. Ayes (7), Nays (0). Motion carried.</p>

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E-15	<p data-bbox="365 342 1406 407">A Hearing on the City of Rochester's Storm Water Pollution Prevention Program (SWPPP).</p> <p data-bbox="365 443 1446 1346">Barb Huberty, Public Works Department, gave a brief summary of Rochester's Storm Water Pollution Prevention Program (SWPPP). A requirement of the permit is that a summary of what was accomplished in 2003 be given at a public hearing. The summary includes how the City has assessed the appropriateness of the best management practices that we laid out in the SWPPP and the progress that we have made toward achieving the measurable goals and provide opportunity for public input. When the process was started in May of 2003, a self-evaluation report had to be accomplished to establish the maximum extent practicable the standard for this permit. A five-year timeline was submitted with the application to the Minnesota Pollution Control Agency (MPCA). Ms. Huberty showed the Council the SWPPP document that contained the goals and management practices for the program. She provided two documents for the Council: narrative explanation for MPCA and a spreadsheet of the work accomplished and assessed in 2003. Between now and March 10 when the annual report is submitted, the quantitative data must be obtained and entered into the measurable goals statement. To date, the goals that have laid out are on target. There are a total of 76 separate tasks, 51 (68%) which are completed. This is the first year that MPCA and all of the cities have done the permit. The MPCA was very late in getting cities the guidance needed. This has been only an 8-month year due to the delays. With the additional months, the goals would have been accomplished. We are on target. The most intensive project this year was the passage of the Storm Water Utility Fee. Ms. Huberty said that the only outstanding resource water that we have to deal with is Fens. Other cities have Lake Superior, trout streams, etc. which we don't have. Fens will need to be dealt with on a case-by-case basis as they come up. Over the next two weeks written comments can be received from the public. Based on those comments, which have to be responded to, the SWPPP may or may not have to be modified.</p>
G-2a	<p data-bbox="365 1386 1446 1545">An Ordinance Rezoning Approximately 7.12 Acres of Property From the R-1 Zoning District to the R-2 Zoning District, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a first reading. (North side of Salem Road SW, West of 34th Avenue SW, East of Westhill Drive SW)</p>
G-2b	<p data-bbox="365 1583 1422 1682">An Ordinance Amending and Reenacting Section 38.04 of the Rochester Code of Ordinances, Relating to Information to be Provided in the Registration of Rental Units, was given a first reading.</p>
G-2c	<p data-bbox="365 1717 1455 1881">An Ordinance Establishing A Holding Zone District on 1.32 Acres of Undeveloped Land Upon its Annexation to the City of Rochester, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a first reading. (Southside of 19th Street NW, East of West Circle Drive, West of 19th Street Business Park)</p>
G-3a	<p data-bbox="365 1919 1446 1982">An Ordinance Establishing an Interim Zone District on Undeveloped Land Upon Its Annexation to the City of Rochester, and Amending Ordinance No. 2785, Known as</p>

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	<p>the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a second reading. Councilmembers Hanson moved, Marcoux seconded, to approve the Ordinance as read. Ayes (7), Nays (0). Motion carried. (Annexation Petition #03-22 by Joel Bigelow and Sons Enterprises, Inc. - South side of 41st Street NW, East side of West Circle Drive, North of 40th Avenue NW)</p>
G-3b	<p>An Ordinance Creating and Enacting Chapter 92A to the Rochester Code of Ordinances, and Repealing Chapter 92 of the Rochester Code of Ordinances, Relating to a Gas Franchise, was given a second reading. Councilmembers Hanson moved, Marcoux seconded, to approve the Ordinance as read. Ayes (7), Nays (0). Motion carried. (Aquila, Inc.)</p>
I-1	<p>Terry Adkins, City Attorney, asked Councilmembers to approve an Ordinance correcting previous Ordinance No. 3616 relating to Land Use and Development Processing Fees correcting erroneous information.</p> <p>An Ordinance amending and Reenacting Section 60.175 of the Rochester Code of Ordinances, and Repealing Ordinance No. 3616, Relating to Land Use and Development Processing Fees, was given a first reading.</p> <p>Councilmembers Stobaugh moved, Marcoux seconded, to suspend the rules and give the Ordinance a second reading. Ayes (7), Nays (0). Motion carried. The Ordinance was given a second reading. Councilmembers Stobaugh moved, Nowicki seconded, to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried.</p>
I-2	<p>Terry Adkins, City Attorney, reported that the Minnesota Court of Appeals issued its decision in the lawsuit brought by 13 townships favorable to the City and County ruling that the townships do not have the authority to zone and adopt land use regulations as they see fit.</p>
H-1	<p>Councilmembers Hanson moved, Stobaugh seconded, to approve the appointment of Jay Maier to the Committee on Urban Design and Environment (CUDE). Ayes (7), Nays (0). Motion carried.</p>
J-1	<p>Having no further business, Councilmembers Nowicki moved, Stobaugh seconded, to adjourn the meeting. Ayes (7), Nays (0). Motion carried.</p>


City Clerk